

1 Does that appear to you to be a true statement?

2 A I think so. I don't remember at the time, but i
3 think so.

4 Q She's describing what she says that you and she
5 did. The question I wanted to know is whether or not that
6 description sounds right to you.

7 A I have talked about a number of things with her
8 around that time. I cannot say this was part of it or not.
9 I just can't remember right now what I talked to her about
10 at that time.

11 Q Okay. But you don't have any reason to believe
12 that the statement that she's making in this letter is
13 wrong, do you?

14 A Absolutely not.

15 Q Okay. I'd like you to turn to the second page of
16 the letter. In the larger paragraph at the top of the page
17 Ms. Richter writes, "We can ensure that everyone have a full
18 understanding of what Liberty is trying to accomplish which
19 should increase efficiency and eliminate guesswork."

20 Would you say that there was any guesswork with
21 respect to licensing on your part prior to the date of this
22 letter?

23 A No guess work on my part, no.

24 Q So whatever she was talking about here, she wasn't
25 talking about you, as far as you're concerned.

1 A Perhaps she was talking about me. I know it
2 wasn't any guesswork on my part. That's my answer.

3 Q And as far as you're telling us now, in the period
4 up to April 6, 1993, you didn't have any uncertainty about
5 the status of Liberty's licensed paths, as to whether they
6 were licensed or not licensed, is that correct?

7 A I don't understand your question.

8 Q I'll ask it differently. Up through April 6,
9 1993, did you have any uncertainty about whether or not any
10 particular microwave path that Liberty had and was operating
11 was or was not licensed by the FCC?

12 A There were some licensed and some authorized. I
13 might not have a license for it.

14 Q By authorized, you mean under STA.

15 A That's correct. To me authorization is different
16 than license. Authorization is much more broader sense.

17 Q Is there anything else that you mean by
18 authorized, aside from either a license or an STA?

19 A No, there were those two.

20 Q Do you remember whether or not in the first four
21 months of 1993, whether or not you were operating under any
22 STAs?

23 A First month of 1993?

24 Q First four months of 1993, yes, sir.

25 A Uh, I know that from middle of 1992 on, I was

1 doing some modification, technical modification of some of
2 those paths. At that point when I was talking with Jennifer
3 Richter, some of those modifications required a change of
4 license, and as such we were working to get the STA for
5 those paths. So therefore, again, since we were working
6 with the modifications since the latter part of '92, I would
7 probably say that we had some STAs the first two or three
8 months of 1993 that you mentioned. There should have been
9 some STAs authorized for some of those modifications.

10 So I would say that it was some STAs during that
11 time.

12 Q Did you understand whether or not the inventory
13 that Ms. Richter was working on in March and then finished
14 apparently in early April of '93, whether that inventory was
15 intended or supposed to have a listing of STAs as well?

16 A What I see right now is the inventories we were
17 working on, basically the licensed ones and the paths that I
18 changed the technical information on it and some of the ones
19 that I asked them to delete. I'm reading right now, again.
20 It's 1993, I don't remember now, but the document that you
21 showed me today all mentioned about licenses, and I just
22 take it as that. They were the ones for licenses.

23 Q So there's nothing about that document that
24 indicates to you as you look at it today that it included a
25 listing of any STAs that might be in place at the time of

1 the document.

2 JUDGE SIPPEL: Identify "that" document before he
3 answers.

4 MR. BECKNER: The April 6th Richter inventory, or
5 the draft that Ms. Richter sent to him on March 16, 1993.

6 JUDGE SIPPEL: So that would be Exhibits 58 or 59.

7 MR. BECKNER: Yes, sir.

8 JUDGE SIPPEL: Thank you.

9 THE WITNESS: Reading those documents tells me
10 they were only about licenses.

11 MR. SPITZER: Your Honor, I'm sorry. 59 is not
12 one of the inventories. 59 is a cover letter. Exhibit 3 or
13 --

14 MR. BECKNER: Exhibit 3.

15 JUDGE SIPPEL: 3 and 58. Thank you.

16 MR. BECKNER: Exhibit 59 is just a cover letter
17 which I think we established accompanied Exhibit 3.

18 JUDGE SIPPEL: I see that now.

19 BY MR. BECKNER:

20 Q Do you know of any reason, Mr. Nourain, why the
21 inventory that Ms. Richter was working on did not include
22 STAs?

23 A No, I see that she is writing it and she's saying
24 that this is for licenses. So I just say this is just for
25 licenses inventory.

1 Q The question was, do you know of any reason why
2 the inventory doesn't also include STAs that were in place
3 as of the date the inventory was prepared?

4 A No.

5 Q I want you to take a look, if you would, please,
6 at TW/CV Exhibit 3 which is in a different --

7 JUDGE SIPPEL: That's in this book here.

8 (Pause)

9 THE WITNESS: Yes.

10 BY MR. BECKNER:

11 Q Do you have that in front of you, sir?

12 A Yes, I have one.

13 Q Excluding the handwritten notes and comments that
14 are on some of the pages of Exhibit 3, do you recall whether
15 or not you received a copy of this exhibit on or about April
16 6, 1993?

17 A I don't recall right now that I received that at
18 that time.

19 Q Do you have any reason to believe that you did not
20 receive it?

21 A No.

22 Q Had you, in fact, received this document, would
23 you have looked at it? Would it have been your practice to
24 look at it or would you just file it away?

25 A Most likely would file it away because the

1 information here was most of the technical information that
2 I had before.

3 Q I'd like you to take a look at page 009 of the
4 Exhibit. Do you see in the lower right hand corner, there
5 are page numbers that have been placed on this exhibit.

6 A Yes, I have 009.

7 Q There's a list of three paths numbered five, six,
8 and seven, that they're typed, and in the right hand side
9 there are, in parentheses, the number 3/93 besides each one
10 of them. Do you see that?

11 A Yes.

12 Q If you turn back to the very first page of the
13 exhibit, the cover memorandum -- I'm sorry, it's the
14 memorandum cover itself. Do you have that?

15 A Yes.

16 Q Ms. Richter writes, "A handful of the paths are
17 differentiated with '3/93' in the right hand margin. This
18 means that a modification application to add these paths was
19 filed in March of 1993, but a file number has yet to be
20 assigned."

21 Would that have been information that you would
22 have looked at in this document?

23 A No.

24 Q Can you tell us why not?

25 A Those to me, most of the numbers I look at would

1 be the filing for the Pepper & Corazzini, and that was their
2 filing system, so they would have kept it, so --

3 Q So you wouldn't have paid any attention to the
4 fact that, for example, going back to page nine of the
5 exhibit, beside the path identified as 180 East End, there
6 is the number 3/93, which Ms. Richter says that an
7 application has been filed in March of '93. That's not
8 something you would have paid attention to?

9 A No. She would have -- My instruction to her was,
10 as I a number of times testified to that, her work was to
11 file applications and proceed with the licensing and the STA
12 for it. So those were all the file numbers that they kept.
13 My concern was that all those addresses are within these
14 particular transmitter sites that we were intending to
15 license there or we had licenses for.

16 Q So you're saying you don't understand even as you
17 read this now, to tell you that an application for, for
18 example, 180 East End, was filed in March '93?

19 A Right now I understand it, yes.

20 Q But at the time when you got this, you really
21 weren't looking at that?

22 A That's correct.

23 Q Would you have not looked at this also because Ms.
24 Richter would have sent you a copy of the application that
25 was filed, for example, 180 East End?

1 A I would not just look at it because I would get
2 the application. As I said, I was going with a set of
3 instructions I provided for them. I knew the application
4 would come back, the inventory that they have right now is
5 based on mostly information I provided for them, the
6 technical, and I took that as she is trying to get her
7 filing organized and just sending me the copy. It is
8 different than -- I looked at it as an action, I looked at
9 it as just information.

10 Q Okay.

11 A And that is the only understanding I had on all of
12 these documents I was receiving based on those types of
13 inventories, just the inventory.

14 Q All right. As a general practice in 1993, the
15 first 6 months of 1993, Mr. Nourain, when you received a
16 license from the FCC did you immediately check to see what
17 path the license was referring to so that you could activate
18 that path or did you just file the license away?

19 A The licenses I would check because I wanted to
20 make sure that if there was any special authorization for
21 some of the paths that we might have turned on or some of
22 the modification that we did at the time which required the
23 license to be renewed, have the Commission renew the
24 licenses, so I would review the license because I needed to
25 also post the licenses to the transmittal locations. When

1 the license comes in that is something that would be
2 finalized. So, you are looking at the final of everything,
3 just look at that.

4 Q Okay. Do you recall -- I am through asking you
5 about Exhibit No. 3 if you want to move that out of the way.
6 Do you recall having a series of conversations with Jennifer
7 Richter in March/April 1993 time frame about what things
8 Liberty could and could not do under the FCC rules with
9 respect to things like constructing or operating a microwave
10 facility?

11 A I was talking about everything throughout the time
12 that I was dealing with there. During that time I am sure I
13 talked to her about various things.

14 Q I want you to turn to Time Warner/Cablevision
15 Exhibit No. 61, which is in the book. Do you have that in
16 front of you, sir?

17 A Yes.

18 Q It is -- just to make sure we are looking at the
19 same thing, this is a copy of a Pepper & Corazzini bill,
20 dated May 10, 1993. Is that what you have?

21 A Yes.

22 Q Okay. Do you see there is an entry there on
23 4/13/93, "Phone call: Behrooz re: construction on
24 authorized stations." And so on. Does that cause you to
25 have any recollection about a discussion you might have had

1 with Ms. Richter on the subject identified here?

2 A No.

3 Q Do you remember discussing that subject at all
4 with her in April or March of 1993?

5 A I am sure I talked to her in April and March of
6 1993. I talked to her since 1992 until the time she left.
7 The exact date I do not remember.

8 Q Okay. I would like you to just take a look at one
9 other entry on this bill which is the entry for April 2.
10 Again that references, "Phone call: Behrooz re:
11 construction and operation of paths that have not been
12 granted and future modifications." The question I want to
13 ask you is do you recall having a conversation with Ms.
14 Richter on that subject on or about April 2, 1993?

15 A I had discussion with her on constructions of the
16 path before but whether it was that time or not I do not
17 remember now.

18 Q Can you just tell us in a summary way what the
19 substance of that discussion was that you had?

20 A About the construction?

21 Q Yes, sir.

22 A Yes. I was trying to find a way to minimize the
23 time that it would take to construct the building because
24 generally I would get a number of buildings that needed to
25 be constructed in a certain time and at some point I

1 discussed with her about being able to construct a building,
2 actually physically installing the antennas on transmitter
3 or receiver would be able to do that without even having
4 authorization to do just the construction.

5 Q What did she tell you about that? Did she say you
6 could or you could not do that?

7 A I am pretty sure that the answer was yes because I
8 know that I have built the physical stations prior to even
9 being authorized to turn it off. I would never turn it off
10 but we just build it there and just left it there during the
11 last four or five years because part of it was I had the
12 contractors and were just doing the work in the building. I
13 would say, "All right, can we just put the mount up? Put
14 the antenna up physically, just leave it there rather than
15 going and waiting to get authorization to turn the path on
16 and then come back again and schedule it.

17 Those were some of the things, looking at the
18 contractual part of it and also construction which was also
19 I was in charge of, to be able to save some times. So, that
20 was part of it initially that I required to get some answers
21 for her, would that in any way be a problem to do that.

22 JUDGE SIPPEL: Let me just ask something here.

23 MR. BECKNER: I am sorry.

24 JUDGE SIPPEL: Was it your understanding that that
25 was the way the company wanted it done?

1 THE WITNESS: Well, yes. My understanding was
2 that I had certain buildings which were on a schedule to
3 build within the next two or three months and then I was
4 there with the contractors and I would just try to save the
5 money. Part of my job was also to make sure I was saving
6 the company money. So, that was basically for economic
7 reasons and not time consuming reasons. I wanted to, while
8 I have a contractor doing some work, put the antenna up and
9 leave it there without anything being connected to it or
10 anything being on or activated.

11 JUDGE SIPPEL: Did anybody at headquarters, Mr.
12 McKinnon, Mr. Price, anybody else, give you advice or
13 instructions that -- you know, "Get the construction up as
14 fast as you can." Words to that effect?

15 THE WITNESS: No.

16 JUDGE SIPPEL: You did this solely on your own?

17 THE WITNESS: Yes, that is my practice. I have
18 done it throughout my career to try to construct buildings
19 and as long as it is not legally any problem.

20 JUDGE SIPPEL: All right.

21 BY MR. BECKNER:

22 Q Mr. Nourain, I take it from your answer to the
23 question that I asked you before the judge asked you a few
24 questions that before you had this conversation with Ms.
25 Richter you were not sure about whether or not it was

1 permissible for you to construct a station prior to
2 receiving an authorization for it. Is that right?

3 A For this particular application, yes.

4 Q So you wanted to find out from Ms. Richter exactly
5 what you could and could not do and that is why you asked
6 her the question.

7 A That is correct.

8 Q Was there anything else that you were not sure of
9 during the period of the first four months of 1993 with
10 respect to what you could and could not

11 A I do not recall.

12 Q Were there any other questions you recall bringing
13 to Ms. Richter, aside from this question you talked about
14 regarding construction of a station before you have
15 authorization to operate it?

16 A No, most of my information was about construction
17 and also I talked with her about what are the minor or major
18 modifications that require to be done to the system? For
19 example, if it is a major modification do we need to refile
20 it or if it is a minor does she just need to write a letter
21 and say it was a minor modification that needs to be done on
22 a certain path because of technical changes? Those, in
23 addition to construction, those are the two issues that I
24 can think of that I would have discussed with her.

25 Q During the first four months of 1993 did Ms.

1 Richter ever tell you that your understanding of what was
2 permitted and not permitted under the commission's rules is
3 wrong?

4 A Could you repeat your question?

5 Q Yes. During the first 4 months of 1993 did Ms.
6 Richter ever tell you that your understanding of what was
7 permitted and what was prohibited under the SEC rules was
8 wrong? Was incorrect.

9 A I do not recall.

10 Q You do not recall her telling you that?

11 A I don't even recall that you asking in general
12 what was the specific that was wrong that she told me that I
13 was done that I was wrong.

14 Q My question was general, Mr. Nourain. I am asking
15 you if she ever told you that anything that you had
16 discussed with her about your understanding of the FCC's
17 rules was in fact wrong on the statement?

18 A My understanding was she was the one that was
19 working for me as far as all the FCC regulations and FCC
20 work is concerned. She was the one that was supposed to
21 make sure everything is authorized and right. If she asked
22 me something about technically I could have answered her but
23 she was talking about -- legally I would tell her that, "Why
24 are you asking me, you are the one supposed to make sure
25 everything is right?"

1 I am talking to you about, for example, the
2 construction." If there is something that I think is
3 something that I do not know about it I would tell her and
4 then we would discuss it. That would be the discussion, not
5 she calls me and says, "You are doing this right," or "You
6 are doing that right or wrong." Because I was the one doing
7 the work. She should not know. Most of that information
8 would come from me to her and then general authorization of
9 general guideline that I gave her to make sure that
10 everything was authorized and legal.

11 Q Okay. Let me -- I am not sure that I quite got
12 the question to you in a way that you understand. Let me
13 just give you an illustration. This is a hypothetical
14 example. I am not saying that this happened.

15 Suppose, for example, in one conversation you had with
16 Ms. Richter, you said, "I thought I could turn on a
17 microwave facility so long as I filed an application for it.
18 Suppose that you, just hypothetically, that you had told her
19 that. And she would have told you, "Oh no, Mr. Nourain,
20 that is not right, that is not correct." My question was
21 simply during this first 4 months of 1995 was there ever any
22 kind of an exchange like that between you and Ms. Richter
23 where you said, "I think I can do something." And, she
24 said, "Oh, no, you can't do that?"

25 Q You mean 1993?

1 A Yes.

2 Q Yes.

3 A Number two, most of the question -- information
4 that you want about that question was already discussed with
5 her prior to 1993, what is the authorization, what is
6 authorized, what is not? You have to have a license to turn
7 up, you have to have especially temporary authority to turn
8 up. Anything but those are not authorized, so, I did not
9 discuss with her during that time. We talked about those
10 things -- you are talking about half way to the game. We
11 talked about this thing probably even early on that
12 everything has to be authorized, everything has to be
13 licensed. I have gone through that before too.

14 Q I would like you to turn to TW/CV Exhibit No. 51.
15 I think that may be in a different book than the one that
16 you are looking at right now. This is the letter dated
17 April 20, 1993 to Bruce McKinnon.

18 A Excuse me, let me just find it.

19 Q Sure.

20 A Fifty-one? Yes, I have that.

21 Q This letter indicates a cc to you on the second
22 page, carbon copy to you. Can you tell us here -- and the
23 exhibit is actually two copies of the same letter. The
24 first copy has handwritten, "Peter, pls. review and advise
25 B.N." Is that your writing, sir?

1 A Yes, that is mine.

2 Q Okay. And, can you tell us what the date is that
3 is written underneath your initials?

4 A 4/28/93.

5 Q 4/28/93?

6 A Yes.

7 Q So, it would be correct to say then that you had a
8 copy of this letter at least as of April 28, 1993?

9 A Yes, I did.

10 Q Okay. Now, let me ask you, with respect to the
11 entire letter is there any information in it that you did
12 not know before you received the letter?

13 A Could you repeat your question again?

14 Q Yes. Is there any information in this letter that
15 you did not know before you received the copy of it, that we
16 have established that you got?

17 A This letter was the result of some of the verbal
18 discussion, telephone discussions that I had with Jennifer
19 Richter, which might have been some of, at the time, some
20 issues I did not know and then we cleared it and as such she
21 put this letter together.

22 Q Okay.

23 A So, I do not recall at this point but it could
24 have been a couple of issues or something there that we
25 needed to talk about. So, I do not know exactly.

1 Q The second paragraph of the letter talks about the
2 "difference between construction and operation." I think
3 you testified about your conversations with Ms. Richter
4 regarding whether or not you construct a microwave system
5 before you have a license to operate it. I take it that
6 that would be information that was new to you, at least as
7 of the conversation. Correct?

8 A Well, all I can say is that that was part of the
9 discussion I had with her during the time I talked with her.

10 Q The last sentence of that paragraph I directed
11 your attention to says, "However, the new microwave path
12 cannot be activated and cannot be used to serve the
13 residents of the new building with video programming until
14 the modified authorization is granted." Is that something
15 that you knew before April of 1993 or was this the first
16 time that you understood this?

17 (Pause.)

18 A I might have not understood the modified portion
19 of it but I know that you cannot turn the system on without
20 authorization.

21 Q Well, let's just back up one sentence from the one
22 I read you. The sentence that precedes that begins, "Thus,
23 when Liberty decides to serve a new building from a
24 transmitter that is already part of a licensed 18 gigahertz
25 system. The equipment necessary to serve the new building

1 can be erected prior to grant of the modification
2 application that adds the new microwave path." Does that
3 make a little clearer the context in which Ms. Richter is
4 using the word "modification" here, that is in a sense of
5 adding a new microwave path?

6 A Absolutely not because at the time modification
7 means you may have a path that you get a technical problem
8 and you modify that technical problem. You may have a
9 license for the path. Well, that is the answer to your
10 question. Modified to mean does not mean go put a new path
11 on. At the time, modified to me is that I have a technical
12 problem with the path which is already licensed, it is
13 already active and I want to modify it, what do I do? Or,
14 there is a path that I am applying for authorization and I
15 need to modify it.

16 Modification to me was a technical modification.
17 Modification, that was defined here and later on meant that
18 possibly you go there and add a new path. My understanding
19 of modification was that you got a technical changes, as I
20 testified earlier that there were some paths that were
21 licensed but needed the modification, my definition of the
22 technical modification

23 The question was what do we do with that path since it
24 is licensed could we turn it on or wait for those technical
25 modifications to be completed or some of the ones that were

1 already built and needed to be technically modified, what
2 needs to be done with that? That is my understanding of
3 what was modification.

4 Q Okay, but she is talking here about adding a path.
5 So, I want to just ask you about adding a path. Try not to
6 get caught up in the word. She is talking about adding a
7 path. Did you understand that when you filed an
8 application, whatever application you want to call it, which
9 is to add a path that until that application was granted or
10 you received an STA for that application you were not
11 permitted to operate that path to serve the residents of the
12 new building?

13 A Yes.

14 Q Okay. Before you asked Ms. Richter to clarify the
15 situation with respect to whether or not you could construct
16 a microwave facility before you had a license to operate it,
17 before you asked her those questions what practice were you
18 following regarding construction of a microwave system?
19 Were you waiting to construct a system until you actually
20 had a license and an STA?

21 A It all depends. I do not recall right now. All
22 of these definitions one required it does not really mean
23 that a lot of it was automatically followed. A lot of it
24 was a hypothetical question. I might have probably had only
25 a handful of buildings I needed to construct without being a

1 time to operate it as well. This was just general
2 information I needed to get to have it in case I needed to
3 do some construction prior to that. It was not done
4 automatically all the time but there were some times that,
5 as I mentioned, I constructed part of the system and left it
6 there.

7 Q And I simply want to know, if you can tell,
8 whether or not any of those times where you constructed part
9 of the system and left it there took place before you had
10 this discussion with Ms. Richter.

11 A I do not recall now.

12 Q Okay. You just do not know one way or the other?

13 A No.

14 Q All right. The first paragraph of this letter Ms.
15 Richter writes, "Some things were revealed during these
16 conversations that gave both Behrooz and I pause. In order
17 to ensure that everything that Liberty does is in strict
18 accordance with the rules and to ensure that your
19 competitors are given no ammunition against you I am writing
20 this letter to detail the parameters within which
21 construction and operation of new paths and new stations is
22 permissible." Do you remember anything in the conversations
23 that you had with Ms. Richter that gave you pause?

24 A Did not give me any pause. Must have given her
25 pause because she said, "Behrooz and I," but I don't recall.

1 No, there was nothing here that gave me a pause.

2 Q Do you have any idea of what Ms. Richter is
3 referring to in this paragraph regarding things that were
4 said in conversations between you and her?

5 A No, as far as I know most of my conversation with
6 her was very clear and very precise. What I wanted to do
7 that she has to do the legal part of it, whether she
8 understood and she paused those are the questions I cannot
9 answer but I do not see anything that I was talking with her
10 that was not clear because, frankly, most of my discussions
11 with her was legal so if there was anything she should have
12 been more clear than me.

13 Technical part of it was my job, legal part of it was
14 Pepper & Corazzini. I was comfortable in the technical
15 part. All discussion with her was legal part which mostly,
16 looking at the legal person on the other side of the line,
17 she should have knew about that. If there was anything that
18 gave her a feeling of being puzzled or pause about certain
19 things I do not recall.

20 Q Do you understand what she means by the term,
21 "Something that gave her pause?" Is that an expression you
22 have heard before?

23 A Are you questioning do I know what "pause" means?
24 I do not understand.

25 Q Used in this particular way, Mr. Nourain, that is

1 my question.

2 A Let me just read the first couple of lines and see
3 if I can understand it.

4 (Pause, witness reading exhibit.)

5 A The only thing I can think of is that the
6 discussion we had about construction and operations and that
7 is the only thing I can understand that, and building of
8 stations which basically could have been my question to her.

9 Q Okay. Well, let me just follow-up a couple of
10 questions about these conversations. Did you ever tell Ms.
11 Richter, in the period prior to April 20, 1993, that you or
12 Liberty had done something and she said, "Oh, you shouldn't
13 have done that because that is not permitted by the rules?"

14 A Not so to speak like that. I know for a fact that
15 there were some buildings, a couple of buildings, were built
16 which when I checked out technically they had the wrong
17 latitude/longitude coordination but nobody understood at the
18 time. So, when I studied that, redid the engineering and
19 found out that there was an error on the particular path
20 which was licensed, let's say, a year before or a few months
21 before it was built and operated so I told her that and then
22 at that time she must have thought about it and thought what
23 do we do. It was just an error. Then she went there and
24 had to reapply for it.

25 There were a number of buildings I have seen that

1 it was installed but they had different antenna sizes which,
2 you know, very few of them early on. We had to modify that,
3 my modify definition, technically. So, she had to go and do
4 that so she might have thought about those and how were we
5 going to do that.

6 She needed to probably find out too that are they major
7 or are they minor or what. That is the way I could probably
8 know that there were certain things that I discussed with
9 her that she did not have an answer for it. Some of it
10 definitely was that, that, "Oh, they built something now
11 technically is wrong. What can we do?"

12 Then she went and came back and she discussed that with
13 the Bureau and then we discussed all this things and they
14 say, "All right, let's reapply for it." Or, wrote a letter
15 and told them all the legal part of the things which I was
16 not involved in that. Those are the majority of the
17 discussion that we had with her about it.

18 Q Did you ever tell Ms. Richter that you were
19 planning to or going to do something in connection with your
20 microwave system and have her tell you, "Oh no, you can't do
21 that because the FCC rules won't allow it?" Again, the
22 period I am referring to is anytime up to April 20, 1993.

23 A Again, I do not remember any of those types of
24 discussions. It was a clear cut rule put on the table and
25 she was following it and I was giving her all the technical

1 information. I just can't answer that question. I need
2 more specifics. I do not remember right now.

3 Q The note that you have on the first copy of the
4 letter that is Exhibit No. 51, that is, "Peter, pls." That
5 is "please" right? "PLS" is you have abbreviated please,
6 right?

7 A Yes, that is correct.

8 Q All right. "Peter pls. review and advise B.N.,"
9 that is yourself? "Peter" refers to Peter Price, correct?

10 A That is correct.

11 Q And so, you sent this copy of this letter onto Mr.
12 Price, didn't you?

13 A Oh, I am sure I sent it, otherwise I wouldn't want
14 him to know.

15 Q Can you tell us why it was that you sent this
16 letter to Mr. Price or a copy of it?

17 A I thought about this last week when we had the
18 deposition. The timing of this letter was pretty much the
19 same time that Bruce McKinnon was leaving the company and I
20 saw Peter Price did not have a copy of this letter and I
21 needed him to know about the whole process and what has been
22 given to Bruce McKinnon in case Bruce for some reason did
23 not see it or did not provide it to him, that is one of the
24 main reasons I think I gave it to him.

25 Q Are you familiar with the term "FYI," is that